

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES FRANKLIN GIBSON,

Plaintiff,

v.

RAYMOND LAHOOD, Secretary,
Department of Transportation,

Defendant.

CASE NO. C13-5870RBL

ORDER

I. INTRODUCTION

Before the Court is Plaintiff James Franklin Gibson's application to proceed *in forma pauperis* and motion to consolidate his action with an unfiled claim of James Edward Norris. For the reasons set forth below, the Court must deny both the application and the motion.

II. DISCUSSION

A. Application to Proceed *In Forma Pauperis*.

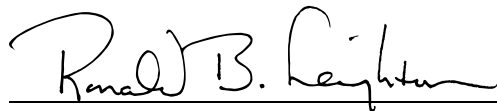
A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but "the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted." *Weller v. Dickson*, 314 F.2d 598, 600 (9th

1 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed
2 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the
3 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
4 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
5 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
6 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
7 1984).

8 The Plaintiff’s Complaint centers on events that took place in the late 1980’s and early
9 1990’s at the Federal Aviation Administration District Offices in Los Angeles and Fresno and at
10 the FAA Academy in Oklahoma City. Mr. Gibson resides in Reno, Nevada. The Complaint is
11 time-barred and filed in the wrong venue. The Court must conclude that the proposed Complaint
12 lacks merit on its face. The Application to Proceed *In Forma Pauperis* [Dkt. #1] and the Motion
13 to Consolidate [Dkt. #2] are **DENIED**.

14 Further, because of the inherent flaws in this claim, the Court will dismiss it *sua sponte* if
15 the Plaintiff pays the filing fee and attempts to bring this case absent *in forma pauperis* status.

16 Dated this 22nd day of October, 2013.

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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE
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